IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.4908 of 2006

Shri Hemant Shankar Kulkarni & Ors.....Petitioner

Vs.

The State of Maharashtra & Ors...Respondents

Mr. N.V. Bandiwadekar, for the Petitioner.
Mrs. M.P. Thakur, AGP for Respondent Nos. 1 and 2.
Mr. K.V.Saste, for Respondent No.3 and 4.

CORAM : F.I. REBELLO &
S.J.VAZIFDAR, JJ.
DATED : 13TH FEBRUARY 2007

P.C.

. Rule. Heard forthwith.

2. Pursuant to the order dated 29th January, 2007 replies have been filed by Vasant Bapuso Paymal, Assistant Director of Education in the office of the Deputy Director of Education, Kolhapur Region, Kolhapur and Sarjerao Krishna Jadhav, Deputy Director of Education, Kolhapur Region, Kolhapur. Unconditional apology has been tendered by Vasant Bapuso Paymal. The affiants have also explained the circumstances based on which approval has not been granted. Considering the apology tendered we do not propose to initiate any proceedings in contempt against the said Officers.

3. It must, however,, be made clear to all officers concerned that they have to act in aid and assistance of this Court. Judgments of this Court must be given effect to irrespective of any Government Resolution. If the State is aggrieved by the order of this Court the proper forum is to prefer an Appeal. It is not open to any officer once the judgment is pronounced and declared by this Court not to follow that judgment. As we have noted earlier considering

the unconditional apology and explanation given on the facts of this case we do not propose to act against the affiants who have filed the affidavits.

4. In the affidavit it is also set out that the approval has been granted. Once the approval is granted the respondents on the management submitting the papers for grant to release the grant at any rate not later than eight weeks from the necessary papers are submitted by the management. Rule made absolute accordingly. No order as to costs.

(**F.I. REBELLO**, J)

(**S.J.VAZIFDAR, J)**